



October 21, 2003 CPC  
November 25, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0114

Balzer & Assoc. Inc.

Dale Magisterial District  
9636 Lockberry Ridge Loop

REQUEST: Amendment to zoning (Case 97SN0269) relative to a tree preservation strip. Specifically, the applicant wishes to amend Proffered Condition 15 for the request property only which requires a twenty-five (25) foot tree preservation strip adjacent to lots in Salem Woods.

PROPOSAL:

While the conditions of zoning approval for the property require a twenty-five (25) foot tree preservation strip and a twenty-five (25) foot setback from the tree preservation strip, the house was constructed one (1) foot closer to the tree preservation strip than permitted by zoning. Therefore, the applicant wishes to amend the zoning to allow a twenty-four (24) foot tree preservation strip instead.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION ON  
PAGE 2.

AYES: MESSRS. LITTON, CUNNINGHAM, GULLEY AND STACK.  
ABSENT: MR. GECKER.

STAFF RECOMMENDATION

The original conditions of zoning were negotiated with area property owners. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the proffered condition would be appropriate.

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(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITION

(STAFF/CPC) A twenty-four (24) foot tree preservation strip shall be maintained along the southern property line adjacent to the existing residential lots within Salem Woods, Section "E". All trees eight (8) inches in caliper or greater shall be retained except that dead, diseased or dying trees eight (8) inches or greater in caliper may be removed. This tree preservation area shall be exclusive of easements. For lots adjacent to existing residential lots within Salem Woods, Section "E", a minimum rear yard setback of 25 feet (R-12 standard) shall be provided exclusive of the tree preservation strip. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 15 of Case 97SN0269 for the request property only.)

#### GENERAL INFORMATION

##### Location:

South line of Lockberry Ridge Loop, east of Salem Church Road and better known as 9636 Lockberry Ridge Loop. Tax ID 779-665-9486 (Sheet 26).

##### Existing Zoning:

R-9

##### Size:

0.3 acre

##### Existing Land Use:

Single family residential

##### Adjacent Zoning and Land Use:

North, East and West - R-9; Single family residential  
South - R-7; Single family residential

## UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

The requested amendment will have no impact on these facilities.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Central Area Land Use Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre.

### Area Development Trends:

The request property and adjacent properties to the north, east and west are zoned Residential (R-9) and are occupied by single family residences in the Hollymeade Subdivision. Adjacent properties to the south are zoned Residential (R-7) and are occupied by single family residences in the Salem Woods Subdivision.

It should be noted, if this request is approved, an amendment to the existing record plat will be required for this lot.

### Zoning History:

On July 23, 1997, the Board of Supervisors approved a request for rezoning to Residential (R-9) which included the request property (Case 97SN0269). Conditions of zoning approval for Case 97SN0269 included the provision of a twenty-five (25) foot tree preservation strip on the subject property with a required twenty-five (25) foot setback from the tree preservation strip. A house has been constructed twenty-four (24) feet from the tree preservation strip. Rather than reducing the setback and to allow for one (1) additional foot of useable yard, the applicant is proposing to reduce the tree preservation strip by one (1) foot.

## CONCLUSIONS

The original conditions of zoning were negotiated with area property owners. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the proffered condition would be appropriate.

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## CASE HISTORY

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### Planning Commission Meeting (10/21/03):

The applicant accepted the recommendation. There was no opposition present.

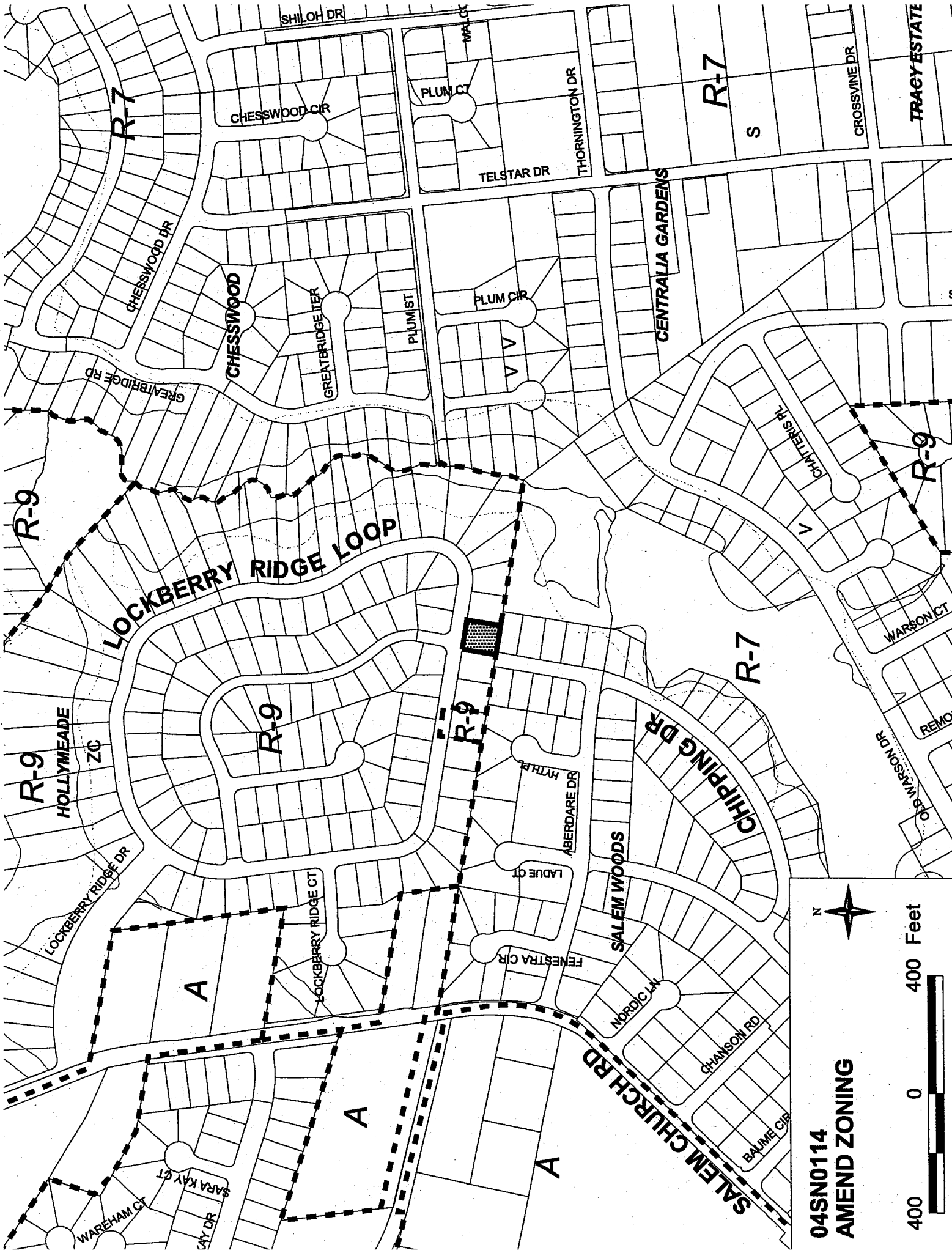
On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval and acceptance of the Proffered Condition on page 2.

AYES: Messers. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

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The Board of Supervisors, on Tuesday, November 25, 2003, beginning at 7:00 p.m., will take under consideration this request.



04SN0114  
AMEND ZONING

